IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 27TH JULY 2007 / 5TH SRAVANA 1929

WP(C).No. 22349 of 2007(I)

PETITIONER:

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1. M.M.IBRAHIM,
   PROPRIETOR, M/S. FAMINA WOOD INDUSTRY,
   MUNDIKUNEL HOUSE, VANNAPURAM,
   THODUPUZHA.

2. SMT. NASEEMA IBRAHIM,
   M/S. MUDIKUNNEL FURNITURE,
   MUNDIKUNNEL HOUSE, VANNAPURAM,
   THODUPUZHA.

BY ADV. SRI.N.ANILKUMAR

RESPONDENTS:

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1. THE DISTRICT COLLECTOR, KOTTAYAM.

2. THE SPECIAL TAHASILDAR (RR-KFC),
   KOTTAYAM.

3. KERALA STATE FINANCIAL CORPORATION (KFC)
   THODUPUZHA BY BRANCH MANAGER,
   PALIMOOTIL ARCODE, MOOVATTUPUZHA ROAD,
   THODUPUZHA.

4. THE BRANCH MANAGER, K.S.F.E LTD.,
   TRIKKAKARA P.O., ERNAKULAM.

BY ADV. SHRI.V.B.UNNIRAJ, SC, KFC
ADV. SHRI.M.K.SAJEEVAN, SC, KSFE
ADV.SMT.N.SUDHADEVI, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 22349 of 2007

Dated, this the 27th day of July, 2007

J U D G M E N T

Heard learned counsel appearing for petitioners, learned Standing Counsel appearing for KFC & KSFE and learned Government Pleader. Petitioners have arranged funds from KSFE to settle arrears due to KFC. According to learned counsel appearing in the matter, payment is being made by KSFE to KFC and all what is required is to exclude petitioners from payment of collection charges. Obviously, recovery is not effected and therefore no collection charges could be recovered from the petitioners under the RR Rules. This writ petition is, therefore, disposed of directing KFC to withdraw recovery proceedings and release the title deeds as and when full payment is received from KSFE or from petitioners. There will be direction to respondents 1 to 3 not to recover any collection charges for the payments arranged by the petitioner from KSFE. However, if any cost is incurred for publication, respondents can recover the same. Similarly, if any recovery is required even in later stage, collection charges also can be recovered for the amount so recovered through recovery proceedings.

(C.N.RAMACHANDRAN NAIR, JUDGE)

jg